

Attorney's Docket:
020431.0742

N Sector \$
PATENT
09/675,415 *#5*



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. Crawford, Jr., et al.
Serial No.: 09/675,415
Filing Date: September 29, 2000
Title: SYSTEM AND METHOD FOR RENDERING CONTENT
ACCORDING TO AVAILABILITY DATA FOR ONE OR
MORE ITEMS

Atten: Box Missing Parts

Assistant Commissioner for
Patents
Washington, DC 20231

Dear Sir:

REQUEST FOR REFUND

Applicants' filed the above identified patent application on September 28, 2000. Since the application was filed without an executed Declaration and Power of Attorney, Applicants were expecting the Notice to File Missing Parts requiring the filing of the declaration.

After several months of waiting for this Notice, Applicants' attorney, Christopher W. Kennerly, contacted the U.S. Patent and Trademark Office to verify whether the Notice to File Missing Parts was ever mailed. He was advised that this Notice had been mailed on November 21, 2000. Mr. Kennerly immediately authorized Rachel Carmichael of McR Patent Services, Inc. to inspect the file and copy the Notice to File Missing Parts. Ms. Carmichael did inspect the file, copied the Notice, and forwarded it to Mr. Kennerly where it was received May 4, 2001 and entered into the firm's docketing system. A response was then prepared along with a four (4) month extension of time and check in the amount of \$1,390.00 to cover the required filing fee for the extension. Applicants never received the Notice to File Missing Parts mailed November 21, 2000 from the U.S. Patent and Trademark Office and therefore did not respond by the due date of January 21, 2001. Since Applicants never

received the Notice to File Missing Parts, it is respectfully requested that the \$1,390.00 filing fee for the extension of time be refunded.

Attachments:

1. Copy of fax to Rachel Carmichael attaching a Power to Inspect and Copy for Appln. Serial No. 09/675,415;
2. Copy of the Power to Inspect and Copy dated April 27, 2001 authorizing Rachel Carmichael to inspect the file of Appln. Serial No. 09/675,415;
3. Copy of the Notice to File Missing Parts with the date received written by the docket clerk.

As the extension of time in this case was through no fault of Applicants, it is respectfully requested that the fee to file a four (4) month extension of time be refunded. Please charge any additional fees or credit any overpayments to Baker Botts L.L.P. Deposit Account No. 02-0384.

Respectfully submitted,
Attorneys for Applicants



Christopher W. Kennerly
Reg. No. 40,675

CWK/kwl
Correspondence Address:

Baker Botts L.L.P.
2001 Ross Avenue, 6th Floor
Dallas, Texas 75201-2980
(214) 953-6812

Date: May 11, 2001

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov


SOCKETED

OC000000005570997

Date Mailed: 11/21/2000

Filing Date Granted

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.



PART 3 - OFFICE COPY

130.00 OP

rec'd 5/4/01 11/21/00
from Rachel Carmichael



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. Crawford, Jr., et al.
Serial No.: 09/675,415
Filing Date: September 29, 2000
Title: SYSTEM AND METHOD FOR RENDERING CONTENT
ACCORDING TO AVAILABILITY DATA FOR ONE OR
MORE ITEMS

Atten: Box Missing Parts

Assistant Commissioner for
Patents
Washington, DC 20231

Dear Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

This is in response to the Notice to File Missing Parts of Nonprovisional Application Under 37 CFR 1.53(b) – Filing Date Granted, mailed November 21, 2000. Applicants submit herewith:

- a) A copy of the Notice to File Missing Parts of Application – Filing Date Granted;
- b) Executed Declaration and Power of Attorney document for the above-referenced patent application, which was filed September 29, 2000.
- d) A check in the amount of \$130.00 is enclosed for the payment of the surcharge as a large entity;
- e) Notice of Extension of Time for four months and a check for \$1,390.00 is enclosed to cover the cost of filing this Response to Notice to File Missing Parts; and
- e) Executed Assignment for the above-referenced patent application. The Assignment Transmittal Form and filing fee in the amount of \$40.00 are included herewith.

The Commissioner is hereby authorized to charge any additional fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
Attorneys for Applicants



Christopher W. Kennerly
Reg. No. 40,675

CWK/bt
Correspondence Address:

Baker Botts L.L.P.
2001 Ross Avenue, 6th Floor
Dallas, Texas 75201-2980
(214) 953-6812

Date: May 11, 2001

Attached:

Notice to File Missing Parts of Nonprovisional Application (Copy)
Declaration and Power of Attorney
Check for \$130.00
Notice of Extension of Time - fourth month
Check for \$1,390.00
Assignment Recordation Form
Assignment
Check for \$40.00



Attorney's Docket No.:
020431.0742

PATENT
09/675,415

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. Crawford, Jr., et al.
Serial No.: 09/675,415
Date Filed: September 29, 2000
Title: SYSTEM AND METHOD FOR RENDERING
CONTENT ACCORDING TO AVAILABILITY
DATA FOR ONE OR MORE ITEMS

ATTEN: BOX MISSING PARTS

Honorable Assistant Commissioner
for Patents
Washington, DC 20231

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Response and Notice to File Missing Parts of Nonprovisional Application, Declaration and Power of Attorney, a four-month Notice of Extension of Time, Assignment Recordation Sheet and Assignment, and checks in the amounts of \$130.00, \$1,390.00, and \$40.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 11th day of May, 2001 and are addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Willie Jiles
Willie Jiles

Express Mail Receipt
No. EL759104778US
Attorney's Docket No.:
020431.0742



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/675,415	09/29/2000	James M. Crawford JR.	020431.0742

Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

FORMALITIES LETTER



OC000000005570997

*Oath + Assignment
Due: January 21, 2001*

Date Mailed: 11/21/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION


FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

Docket _____ ✓ Wrapper _____ ✓
RVF Docketed _____ N/A
Reference(s) _____ N/A

file:///C:/APPS/nreexam/correspondence/2 C.xml

*Rec'd 5/4/01
from Rachel Carmichael*

11/21/00

MODE = MEMORY TRANSMISSION

START=APR-27 14:32

END=APR-27 14:33

FILE NO. = 203

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
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-BAKER&BOTTIS 9TH C3

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BAKER BOTTIS LLP

Fax receipt will not be confirmed by phone unless requested.

2001 ROSS AVENUE
DALLAS, TEXAS
75201-2980
214.953.6500
FAX 214.953.6503
www.bakerbottis.com

AUSTIN
BAKU
DALLAS
HOUSTON
LONDON
NEW YORK
RIYADH
WASHINGTON

TO Rachel Carmichael

FAX NO. (703) 415-0638

FIRM/COMPANY McR Patent Services, Inc.

VOICE NO. (703) 415-1489

FROM Karen Langford VOICE NO. 214.953.6688

DATE April 27, 2001

RETURN TO Karen Langford PERSONAL FAX NO. 214.661.4688

PAGES (including cover) 2

MESSAGE

Attached is the power to inspect and copy for Appln. Serial No. 09/675,415. Please copy the Notice to File Missing Parts that was mailed 11/21/00 and send to me ASAP. If you can also get a copy of the filing receipt, that would be great. Thanks again for your help with this.

Karen Langford

Notice of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Bottis LLP by telephone at 214.953.6740 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

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#3

ATTORNEY'S DOCKET
020431.0742

SERIAL NO.
09/675,415



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. Crawford, Jr. et al.
Serial No.: 09/675,415
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Title: SYSTEM AND METHOD FOR RENDERING CONTENT
ACCORDING TO AVAILABILITY DATA
FOR ONE OR MORE ITEMS

Honorable Assistant
Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

POWER TO INSPECT AND COPY

Please permit Rachel Carmichael or Susan Damron, with the firm of McR Patent Services, Inc., 2001 Jefferson Davis Highway, Suite 210, Arlington, Virginia 22202, to inspect and/or copy the complete and entire proceedings in the above-identified application.

Respectfully submitted this 27 day of April, 2001.

BAKER BOTTS L.L.P.
Attorneys for Applicants

Christopher W. Kennerly
Reg. No. 40,675

2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980
(214) 953-6812
(kwl)